



218 COMMERCE STREET
POST OFFICE BOX 4160
MONTGOMERY, ALABAMA 36103-4160
(334) 269-2343
(800) 898-2034
FAX: (334) 954-7555
BEASLEYALLEN.COM

April 7, 2017

VIA ELECTRONIC MAIL

Honorable Freda L. Wolfson, U.S.D.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

Honorable Lois H. Goodman, U.S.M.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

**Re: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices
and Products Liability Litigation***
MDL No. 2738

Dear Judge Wolfson and Judge Goodman:

The parties met and conferred on April 6, 2017. Below is a summary of the negotiations that occurred.

Preservation Order. As discussed during the recent status conference, the only unresolved issue regarding the Preservation Order relates to Plaintiffs obligation to send preservation letters to certain healthcare providers. The parties discussed the providers to whom letters should be sent. Plaintiffs proposed that the obligation extend to providers relevant to a plaintiff's gynecological history and the diagnosis and treatment of cancer (i.e., oncology, pathology, genetic testing, hospitalizations, and hospice). Defendants proposed that the obligation extend not only to those providers proposed by Plaintiffs but also to all primary care physicians, pharmacies, gastroenterologists, and psychiatric healthcare providers, to the extent Plaintiff is claiming damages for emotional distress, for the life of the plaintiff. Plaintiffs expressed concerns regarding the breadth of providers contemplated by Defendants and the lack of time limitations. Both sides are considering each other's positions and discussions will continue.

ESI Protocol. The parties discussed the ESI protocol in general. Plaintiffs provided Defendants with an updated draft of the ESI protocol reflecting discussions between the parties that took place at the status conference last week. The parties will continue to work through ESI-related issues during the coming week.

Honorable Freda L. Wolfson, U.S.D.J.
Honorable Lois H. Goodman, U.S.M.J.
April 7, 2017
Page 2 of 2

Discovery Issues: Plaintiffs sent the Johnson & Johnson Defendants correspondence on April 6, 2017, outlining concerns regarding the identification and collection of documents, the objective search-term analysis, and the subjective responsiveness review employed in prior productions. Defendants are reviewing Plaintiffs' letter. The parties expect a call to be convened next week for further discussions.

Order regarding Short Form Complaints: Plaintiffs discussed with Defendants a proposed order that would direct that all Short Form Complaints relate to any amendments to the Master Complaint filed subsequent to the Direct Filing Order, CMO No. 2. Plaintiffs will provide Defendants with a proposed order for review.

Next Meeting: The next meet and confer will be Wednesday, April 13th. The parties will keep the Court apprised of their progress on the issues above.

Thank you for your consideration of these matters.

Respectfully submitted,

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.

/s/ P. Leigh O'Dell

P. Leigh O'Dell

cc: Michelle A. Parfitt, Esq.
Christopher M. Placitella, Esq.
Gene Williams, Esq.
Kat Frazier, Esq.
Lorna Dotro, Esq.
Mark Silver, Esq.
Nancy Erfle, Esq.
John Beisner, Esq.
Tom Locke, Esq.
James Billings-Kang, Esq.
Sheryl Axelrod, Esq.
Julie Tersigni, Esq.